

**Kimberly-Clark**

Facsimile

K-C North
401 North Lake Street
Neenah, Wisconsin 54956

| | | | |
|-----------------|---|------------------------------|-------------------|
| | Name | Company | Fax Number |
| To: | Examiner Eric Hug | Examining Group 1731- PTO | (703) 746-8860 |
| Subject: | U.S.S.N. 10/015,838 - Terminal Disclaimer | | |
| From: | Patricia A. Charlier | Page: | 1 of 4 |
| Dept: | Legal | Date: | 3/17/03 |
| Loc: | K-C North | Time: | 1:30 p.m. |

Examiner Hug:

Pursuant to your request, faxed is a Terminal Disclaimer previously sent on 3/12/03.

Please let me know if you need anything further. Thank you.

This facsimile is for the use of the addressee only and may contain privileged or confidential information that is exempt from disclosure under law. If you are not the addressee or responsible for delivering it to him or her, please know that dissemination, distribution, or copying of this facsimile is prohibited. If you have received this in error, please telephone us promptly and destroy the original.

If you have a problem with or a question about this facsimile, contact:

Name: Judy Garot

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#11
AW
3-17-03

In the United States Patent and Trademark Office

| | | | |
|------------------|----------------------|-------------|----------------|
| Applicants: | M. A. Burazin et al. | Docket No.: | 14,923A |
| Serial No.: | 10/015,838 | Group: | 1731 |
| Confirmation No: | 8510 | Examiner: | E. Hug |
| Filed: | November 2, 2001 | Date: | March 12, 2003 |

For: FABRIC FOR USE IN THE
MANUFACTURE OF TISSUE
PRODUCTS HAVING VISUALLY
DISCERNABLE BACKGROUND
TEXTURE REGIONS
BORDERED BY CURVILINEAR
DECORATIVE ELEMENTS

Provisional Terminal Disclaimer

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

The Present Application

1. Kimberly-Clark Worldwide, Inc., doing business at 401 North Lake Street, Neenah, Wisconsin, 54956, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 10/015,838 filed on November 2, 2001 for "Fabric For Use In The Manufacture Of Tissue Having Visually Discernable Background Texture Regions Bordered By Curvilinear Decorative Elements".
2. Assignment of the inventors' rights in present patent application serial number 10/015,838 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012711, Frame 0670.

Copending Commonly Assigned Application

1. Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to copending U.S. patent application serial number 10/015,837 filed on November 2, 2001 for "Fabric For Use In The Manufacture Of Tissue Products Having Visually Discernable Background Texture Regions Bordered By Curvilinear Decorative Elements And Method Thereof".
2. Assignment of the inventors' rights in copending patent application serial number 10/015,837 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012711, Frame 0658.

Right of Assignee to Prosecute

Kimberly-Clark Worldwide, Inc. certifies:

- (a) that the evidentiary documents have been reviewed; and
- (b) that to the best of Kimberly-Clark Worldwide, Inc.'s knowledge and belief, title of present U.S. patent application serial number 10/015,838 is in Kimberly-Clark Worldwide, Inc.

Provisional Terminal Disclaimer

- 1. In the event that a patent based upon copending U.S. patent application serial number 10/015,837 issues prior to any patent based upon the present U.S. patent application serial number 10/015,838, Kimberly-Clark Worldwide, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 10/015,838, which would extend beyond the expiration date of the full statutory term, including any applicable term extensions, defined in 35 U.S.C. 154 and 156 for said earlier issuing patent.
- 2. Kimberly-Clark Worldwide, Inc. hereby agrees that any patent granted upon present U.S. patent application serial number 10/015,838 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to copending U.S. patent application serial number 10/015,837 and any patent(s) issuing therefrom. This agreement shall run with any patent granted upon present U.S. patent application serial number 10/015,838 and shall be binding upon the Kimberly-Clark Worldwide, Inc., its successors and/or assigns.

Exceptions to Provisional Terminal Disclaimer

In the event that, after the filing of this Terminal Disclaimer, any patent based upon copending U.S. patent application serial number 10/015,837:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

Kimberly-Clark Worldwide, Inc. specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 10/015,838 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156 including any term extensions as applicable to any patent granted on copending U.S. patent application serial number 10/015,837.

Fee

Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide, Inc.'s deposit account number 11-0875. This Provisional Terminal Disclaimer is filed in duplicate.

The undersigned is an attorney of record in the present application having serial no.10/015,838.

Respectfully submitted,

KIMBERLY-CLARK WORLDWIDE, INC.

M. A. BURAZIN ET AL.

By: 

Patricia A. Charlier

Reg. No. 38,840

Date: March 12, 2003

CERTIFICATE OF FACSIMILE TRANSMITTAL

I, Judy Garot, hereby certify that on March 12, 2003 this Provisional Terminal Disclaimer is being transmitted via facsimile to the United States Patent Office.

By: 

Judy Garot

SUBJECT DECISION ON TERMINAL DISCLAIMER INFORMAL FORM

DATE: 3-17-03

APPL. S.N.: 10/015838

EXAMINER: Huy

ART UNIT: 1731

PARALEGAL: Amy

MAILROOM DATE: 3-12/317

AFTER FINAL: YES ___ NO X

NUMBER OF T.D.(S) FILED: 1

INSTRUCTIONS: I have reviewed the submitted T. D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T. D. If you disagree any analysis or have questions at all about the acceptability of the T.D., please see our Special Program Examiner or me.

THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE. WHEN YOUR OFFICE ACTION IS COMPLETED, YOU MUST INITIAL AND DATE & RETURN THIS TO PARALEGAL.

☒ The T. D. is PROPER and has been recorded. (See 14.23)

☒ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24)

☐ The recording fee of \$ ___ has not been submitted nor is there any pre authorization in the application to charge to a deposit account. (See 14.25)

☐ Application Examiner has not processed fee for T. D.

☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T. D. has not stated his/her interest and the extent of the interest of the business entity represented by the signature in the application/patent. (See 14.26)

☐ The T. D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting Rule 321(c). (See 14.27 and 14.27.1)

☐ T. D. is directed to a particular claim(s), which is not acceptable since the disclaimer must be of a terminal portion of the entire patent to be granted, MPEP 1490. (See 14.26 and 14.26.2)

☐ The person who signed the terminal disclaimer:

☐ has failed to state his/her capacity to sign for the business entity. (See 14.28)

☐ is not recognized as an officer of the assignee. (See 14.29.1)

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the frame specified as to where such evidence is recorded in the office. 37CFR 3.73(b). (See 1140 O.G. 72) NOTE: This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30)

☐ No "STATEMENT" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee knowledge and behalf the file is in the assignee seeking to take action 37 CFR 3.73(b). (See 1140 O.G. 72)

☐ The T. D. is not signed (See 14.26 and 14.26.3)

☐ Attorney is not of record in the oath/declaration or a separate paper filed appointing a new or associate attorney, nor is there a customer number.

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32)

☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.6)

☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)

☒ Other Incomplete